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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application  
For PATENT NO. 5,711,100

WILLIAM A. ELMER

Serial No. 74,598

Filing Date: June 14, 1993

For: VEHICLE ADVERTISING  
SIGN, SYSTEM AND  
METHOD

DECLARATION OF  
JOHN NELLESSEN

*Reissue file: 10/098648*

I, John Nellessen, declare as follows:

1. I am over the age of 18 and am competent to testify. The matters set forth herein are based upon my own personal knowledge.
2. I am a resident of Colorado.
3. I am the owner of Master Magnetics located at 607 Gilbert in Castle Rock, Colorado.
4. I have been in the magnet business for thirty-six years and have been with Master Magnetics as President and Owner for twenty-six years.

5. My company is in the business of manufacturing and sales of many different kinds, sizes and shapes of magnets, including what is known in the industry as the "RB-80" magnet.

6. I am familiar with the design and functionality of the RB-80 magnet.

7. The RB-80 magnet (round base) is a round dish-shaped housing with a circular ceramic magnet adhered to the inside of the housing and the housing edge extends below the magnet. The housing also has a hole in the middle for attaching it to various products.

8. The RB 80 magnet is a stock item for many magnet companies, including my company Master Magnetics, and has been around for a long time, as early as 1982.

9. The RB 80 magnet has been sold to many companies for use in a variety of industries including car top signs for the Taxi Cab industry, Pizza Delivery Industry, Driver Education industry, and on top of emergency vehicle signs.

10. I have reviewed the description of the magnet that Mr. William Elmer (owner of HTH, Inc.) has described in his patent and in my opinion is nothing more than the description of a stock catalog order RB-80 magnet that he did not invent. (See Exhibit A)

11. Attached as Exhibit B is a catalog from my company, Master Magnetics, that shows various products that my company distributes, which includes this stock RB-80 magnet.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

EXECUTED this 31 day of October, 2002 at CASTLE ROCK, CO.

  
JACK NELLESSEN

CERTIFICATE OF MAILING

I hereby certify that this DECLARATION OF JOHN NELLESSEN is being deposited with the United States Postal Service as Express Mail on the 1<sup>st</sup> day of November, 2002, in an envelope addressed to the following:

- and
- (1) The Assistant Commissioner for Patents, BOX DAC, Washington, D.C. 20231,
  - (2) Mr. Herbert L. Allen, Allen, Dyer, Doppelt, Franjola & Milbrath, P.A.  
255 South Orange Avenue, Suite 1401, Orlando, FL 32802-3791  
Attorneys for William A. Elmer, Applicant

  
Rosemary Harnett